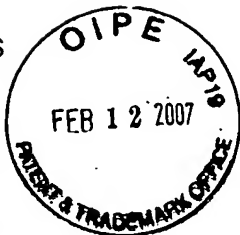


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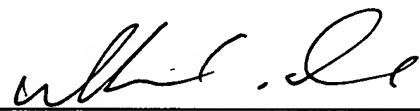
Docket No.: 527.1001div
Date: February 8, 2007

In re application of: **CASSONI**
Serial No.: 10/815,202
Filed: 02/08/07
For: **DETACHABLE CARRIER FOR ATTACHMENT TO A GOLF CAR**

Sir:

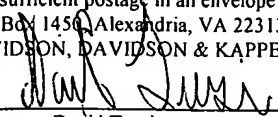
Transmitted herewith is a **Reply Brief under 37 C.F.R. 41.41 (6 pages)** in the above-identified application.

- ☐ Also transmitted herewith are:
 - ☐ Petition for extension under 37 C.F.R. 1.136
- ☐ Check(s) in the amount of **\$0.00** is/are attached to cover:
 - ☐ Filing fee for additional claims under 37 C.F.R. 1.16
 - ☐ Petition fee for extension under 37 C.F.R. 1.136
- ☒ The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.
 - ☐ Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.
 - ☐ Any patent application processing fees under 37 C.F.R. 1.17.
 - ☐ Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.


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I hereby certify that the documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mail" with sufficient postage in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on February 8, 2007
DAVIDSON, DAVIDSON & KAPPEL, LLC

BY: 
David Tursi



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Re: Appl. No. : 10/815,202 Confirmation No.: 9504
Applicant : Robert P. CASSONI
Filed : March 31, 2004
TC/A.U. : 3611
Examiner : YEAGLEY, Daniel S.
Docket No. : 527.1001DIV
Customer No. : 23280

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Commissioner for Patents
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February 8, 2007

REPLY BRIEF UNDER 37 C.F.R. § 41.41

Sir:

Appellant submits this reply brief for the consideration of the Board of Patent Appeals and Interferences (the "Board") in response to the Examiner's Answer of January 16, 2007.

35 U.S.C. 103 Rejections

Claims 1, 3, 4, 5, 8, 9, 11 and 12 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Pitkanen (US 5,454,576) in view of Dula.

The Examiner's Answer asserts that foot member 53 of Pitkanen is "mounting claw 53". This foot member 53 is a support for permitting the golf pull cart to stand up: "A U-shaped foot member 53 is secured to platform 52, and it depends downwardly from the platform to permit the pull cart to be supported in a stable upright position when in use, as shown in Fig. 5." See col. 3, lines 2 to 5.

How this is considered a mounting claw or how the Examiner is actually using it in the rejection is not understood.

In any event, Pitkanen shows a typical golf pull cart.

Dula shows a vehicle hitch for securing a hand truck, cart or other small load to a vehicle. However, Dula specifically teaches the need of hitches for service businesses and occupations (See col 1, line 12 et seq.: "In carrying forward various service businesses and occupations, a need often arises to utilize a hand truck or cart in conjunction with a service vehicle...").

The use of such service or work hitches on golf carts and with golf cars is however, respectfully submitted as completely non-obvious. In playing golf, golfers use either a golf car where they put there bags in the golf car, or walk a course with a pull cart such as in Pitkanen. The entire purpose of a golf pull cart as in Pitkanen, as known to one of skill in the art, is to AVOID using golf cars and to permit a golfer to walk a course. It is respectfully submitted that one of skill in the art of golf club carriers (the claimed invention), would never have found it obvious or been motivation to modify Pitkanen with the teaching of Dula, as the whole purpose of a golf pull cart is to avoid having the golf bag on a vehicle such as a golf car.

The motivation provided by the Examiner is thus also respectfully submitted as improper and not found in the prior art: "in order to extend the use of Pitkanen carrier and provide a hitching means to secure the carrier of Pitkanen to a vehicle to provide for easier transporting of the carrier which minimizes labor and difficulty of attaching and removing a cart from a vehicle as disclosed by Dula." It is not understood: (1) how Dula extends the use of the Pitkanen carrier; (2) why easier transporting of the carrier which minimizes labor is desired: the purpose of the golf pull cart of Pitkanen is to permit the golfer to walk a course with his or her golf clubs. As such a

such a golfer does not desire to minimize labor; and (3) difficulty of attaching and removing a cart from a vehicle: there is no need or desire to attach the golf club carrier of Pitkanen to a vehicle since the golfer uses the pull cart to walk a course. It is respectfully submitted that the sole motivation is hindsight.

Withdrawal of the rejection is respectfully requested.

Claims 3 and 11: Argued Separately

With further respect to claim 3 and 11, these claims recite as an additional element a support surface, the golf club carrier capable of standing upright when the support surface and the wheels contact ground.

Claim 3 recites “further comprising a support surface.” The Advisory Action still argues that the support surface is found on the asserted hitching device, which claimed as a separate element. Claims 3 and 11 do not recite “wherein the hitching device has a support surface” which is what the Examiner’s Answer seems to be asserting.

Withdrawal of the rejections to claims 3 and 11 is respectfully requested for these reasons as well.

Claims 4 and 12: Argued Separately

Claims 4 and 12 recite the golf club carrier wherein the hitching device includes a mount claw.

The Examiner’s Answers arguments with respect to claw fly in the face of the specification, and seems to realize this by arguing that the vehicle portion of Dula could merely be placed on the golf club carrier of Pitkanen: however there is no motivation or assertion for doing so, and this is not a mere reversal of “essential working parts”: the hitch of Dula seems to work in only one direction due to the latch and the dual bar nature of the hitch and it is not understood how the hitch of Dula would function in reverse.

Withdrawal of the rejections to claims 4 and 12 is respectfully requested for these reasons as well.

Claims 2, 6, 7, 10 and 13: Argued Separately

Claims 2, 6, 7, 10 and 13 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Pitkanen as modified by Dula in further view of Underwood.

The Examiner's Answer still does not provide any motivation for combining Underwood: why is space at a premium in the proposed combination?

Withdrawal of the rejections is respectfully requested.

Claims 14 to 20: Argued Separately

Claims 14 to 20 were rejected under 35 U.S.C. § 103 as unpatentable over Dula (US 5,738,261) in view of Underwood (US 2,577,290).

The Examiner's Answer states that it would have been obvious to "have modified the wheels of Dula carrier with rearward mounted movable wheels that are collapsible to provide a carrier that is substantially more compact for storage."

This motivation is in clear error: Dula is already compact, and the Examiner's Answer says that Underwood should be used to extend the wheels from the second side, and then collapse them to make them more compact again.

The Examiner creates its own motivation: by adding the extending wheels of Underwood, they must be collapsed again to make them look like the Dula wheels.

But why add the extending wheels of Underwood in the first place: this makes the Dula device *less* not more compact.

Claim 20 has similar limitations in this respect.

Withdrawal of the 35 U.S.C. 103 rejections is thus respectfully requested.

Claim 15: Argued Separately

Claim 15 recites the carrier as recited in claim 14 wherein the wheels have an axis, the axis being movable with respect to the carrier body.

The wheels of Dula are right at the body and there is no need or motivation to have their axis be movable with respect to the carrier body.

The Examiner's Answer fails to address this limitation, probably since it makes clear how specious the rejection of claim 14 is.

Claim 16: Argued Separately

Claim 16 recites the carrier as recited in claim 15 wherein the axis of the wheels is movable via the handle.

There is no teaching or motivation to provide Dula with such a handle actuation and it is respectfully submitted that a pool device of Dula does not need or desire such an actuation.

The Examiner's answer fails to address this limitation.

CONCLUSION

It is respectfully submitted that the application is in condition for allowance. Favorable consideration of this appeal is respectfully requested.

Respectfully submitted,

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